THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.11570 of 2007

Date: 07.06.2007

Between:
S.M.Nizamuddin

....Petitioner

and

The Secretary and another.

....Respondents

O R D E R:

The petitioner is said to have purchased a Road Roller from the Government, in a public auction in the year 1999. Ever since then, he is using it without getting it registered. On 17.05.2007, it was seized by the Motor Vehicle Inspector, D.T.C. Office, Guntur, the second respondent herein, on the ground that the driver did not possess the licence and that the records were not produced and issued a check report. The petitioner challenges the seizure.

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport.

Admittedly, the Road Roller belonging to the petitioner was not registered as required under the Motor Vehicles Act. It is strange and surprising that it was being used for the past several years without registration. Obviously, the tax was also not being paid. Under these circumstances, this Court is not inclined to direct release, unless the vehicle is registered. To enable the petitioner to get the vehicle registered, he may be exempted from producing the vehicle.

Hence, the writ petition is disposed of, directing that;

(a) it shall be open to the petitioner to get the seized vehicle registered before the competent registering authority, who, in turn, shall effect the same without insisting on physical production, but by verification at the place where it is kept now; and

(b) as and when the vehicle is registered, it shall be

released in favour of the petitioner on payment of a sum of Rs.5,000/- (Rupees five thousand only).

There shall be no order as to costs.

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06.07.2007

Note: Issue cc in three days.
(B/o)
kdl